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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,202	04/04/2001	Uwe Wiedmann	14XZ00101	2591

7590 06/26/2003
General Electric Company
3135 Easton Turnpike - W3C
Fairfield, CT 06431

EXAMINER

CHURCH, CRAIG E

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/826,202	Applicant(s) WIEDMANN, UWE	
	Examiner Craig E. Church	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

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The proposed drawing correction filed November 14, 2002 is approved.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure. While the disclosure teaches that an optical filter is provided whose absorption characteristics are set according to the output spectrum of a radiation intensifier (converter) which spectrum is a function of the temperature of the intensifier, there is absolutely no teaching that the light itself has a temperature or that the sensitivity of the detector is a function of temperature. Furthermore, the invention is directed to the behavior and performance of a radiation intensifier (wavelength converter) and is not enabling for light sources in general as in claims 1-28.

Claims 1-44 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 8, 14, 22, 25, 29, 30 and 42-44 are obscure since they do not specify that the temperature being referred to is that of the light intensifier, itself, and not to the light emitted by the intensifier. It is noted that light is not a tangible object and does not have a temperature. The meaning of "shift" (of what?) in claim 22 is unclear. The limitations conveyed by "source of light" in claim 1; "means for emission of light" in claims 2, 8 and 14; and "means for emission of radiation" in claims 22 and 25 are unclear since the disclosure is directed to a radiation intensifier. There is no antecedent basis for "said cassette" in claims 23 and 24.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-44 are rejected under 35 U.S.C. § 103 as being

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unpatentable over Yamasaki et al (6242114). Yamasaki teaches medical radiation detection means (lines 12-14 of column 1) for receiving radiation I comprising fluorescent layer 22, substrate 20 and filter 24 adjacent a detector (lines 33-36 of column 4). The filter is configured to control the emission of the fluorescent material in any way (lines 38-44 of column 4, 42-48 of column 8 and 47-52 of column 9) and may be in separate layers or may be integral with the fluorescent material. Lines 50-54 of column 2 explain that the invention eliminates thermal (temperature) deterioration of prior art systems. Yamasaki does not detail the structure of his detector, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ therefor any known type including photographic and electronic forms (claims 23 and 37-39).

Applicant's arguments filed June 3, 2003 have been fully considered, but they are not deemed to be persuasive. The language of the claims and the arguments advanced by applicant's counsel suggest that counsel has a fundamental misunderstanding of the instant invention which is directed to compensating for the change in the emission spectrum of a radiation intensifier when the temperature of the intensifier changes. This is explicitly stated in paragraphs 0020, 0021, 0022, 0030 and 0035 of the specification, and the laws of Kirchhoff, Planck, Stefan-Boltzman and Wien broadcast by applicant are not germane to patentability of the current claims. There is absolutely no teaching that the light

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itself has a temperature or that the sensitivity of the detector is a function of temperature as are claimed. Furthermore, the invention is directed to the behavior and performance of a radiation intensifier (wavelength converter) and is not enabling for light sources in general as in claims 1-28.

Any inquiry concerning this communication should be directed to Examiner Church at telephone number (703) 308-4861.

Craig E Church

CRAIG E. CHURCH

Senior Examiner

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